

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STATISTICS & RESEARCH455 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102

ADDRESS REPLY TO:

San Francisco

P.O. Box 420603
CA 94142-0603

SHIFT PROVISIONS

FOR

LABORER and RELATED CLASSIFICATIONS
(SPECIAL AND SECOND SHIFT)

IN

ALAMEDA, ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA,
CONTRA COSTA, DEL NORTE, EL DORADO, FRESNO, GLENN,
HUMBOLDT, KINGS, LAKE, LASSEN, MADERA, MARIPOSA,
MARIN, MENDOCINO, MERCED, MODOC, MONTEREY, NAPA,
NEVADA, PLACER, PLUMAS, SACRAMENTO, SAN BENITO,
SAN FRANCISCO, SAN JOAQUIN, SAN MATEO, SANTA CLARA,
SANTA CRUZ, SHASTA, SIERRA, SISKIYOU, SOLANO, SONOMA,
STANISLAUS, SUTTER, TEHAMA, TRINITY, TULARE,
TUOLUMNE, YOLO, AND YUBA COUNTIES.

Note: The shift provisions provided in the following pages provide guidance on the work hours that are applicable to each shift. Shift differential pay is required and will be enforced during each applicable shift where shift differential pay is in the determinations. Any shift provision restricting the work hours for a particular shift for a type of work will not be enforced on public works. However, if work is performed during hours typically associated with a 2nd or 3rd shift the appropriate shift rate of pay is required. Shift differential pay shall not apply to work during traditional shift hour (swing or grave) if the determination includes a footnote that indicates that the non-shift rate may be paid for a special single shift. Please note the exemptions in California Code of Regulations Section 16200 (a)(3)(F) do not waive the shift differential pay. These regulatory exemptions only apply to overtime pay. Overtime shall be required in accordance with the determination and Labor Code Section 1810 through 1815.



The VOICE of the Construction Industry

July 31, 2006

Hand delivered by SO

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Ms. Maria Robbins
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Division of Labor Statistics and Research
P.O. Box 420603
San Francisco, CA 94142-0603

RE: Prevailing Wage Determination for LABORERS

*****IMMEDIATE POSTING*****

For your immediate posting, please be advised that the Associated General Contractors of California, Inc. and the Northern California District Council of Laborers have agreed to the following in accordance with their new Master Agreement for 2006-2010.

- **Current 2006 Allocation:**
 - \$1.00 Wages
 - \$0.70 Pension
 - \$0.30 Health & Welfare

- **Future Increase:**

June 25, 2007	\$1.95
June 30, 2008	\$1.85
June 29, 2009	\$1.80

R E C E I V E D
Department of Industrial Relations

JUL 31 2006

Div. of Labor Statistics & Research
Chief's Office

In addition, please be advised that the parties have agreed to change Supplement No. 6 from Subsistence to Zone Pay at \$3.00 per hour. For your immediate posting, attached is a copy of the agreed upon Supplement No. 6 – Zone Pay.

If you have any questions, please call us at (925) 827-2422.

Sincerely,

**ASSOCIATED GENERAL CONTRACTORS
OF CALIFORNIA, INC.**


Sean O'Donoghue
Director Industrial Relations

**NORTHERN CALIFORNIA
DISTRICT COUNCIL OF
LABORERS**


Jose Moreno
Business Manager

Enclosures

Cc: Mark Breslin, EUCA
Tim Conway, AECE
Tom Holzman, AGC



MEMORANDUM OF UNDERSTANDING
between the
Associated General Contractors of California, Inc.
and the
Northern California District Council of Laborers

23-102-1

The purpose of this Understanding is to clarify the shift provision referenced in the 2002-2006 AGC/Laborers Master Labor Agreement for the second and third shifts of a three (3) shift operation. It is the intent of the Agreement that the second shift and the third shift of a three (3) shift operation are to be paid according to language referenced in Section 20A (3)-Overtime Rates, Hours and Working Conditions, which does not include a shift premium differential rate of pay. However, a shift premium differential rate of pay does apply to the second shift of a two (2) shift operation.

Section 20A (3) 1st paragraph:

"... When three shifts are employed for five (5) or more consecutive days, seven and one-half (7½) consecutive hours (exclusive of meal period) shall constitute a day of work, for which eight (8) times the straight time hourly rate shall be paid for the second shift. The third shift shall be seven (7) hours for eight (8) hours pay. On two shift operations, the first shift shall have a regular starting time not earlier than 5:00 a.m., and not later than 8:00 a.m. On three shift operations, the first shift shall start at 8:00 a.m. Shifts shall run consecutively with not more than one hour between shifts."

Section 20A (5)b 3rd paragraph:

"NOTE: Shift differential applies only to the second shift of a two (2) shift operation. Shift differential is as follows: Area "A" \$3.00/hr., Area "B" \$2.85/hr. over the appropriate classification rate."

Associated General Contractors
of California, Inc.

By: [Signature]
Sean O'Donoghue, Director

Date: 6/1/06

Northern California District Council
of Laborers

By: [Signature] *Asst. Business Manager*
Jose Moreno, Business Manager

Date: 6/1/06



PROPOSED AGC/LABORER AGREEMENT SUMMARY

1. **Term of Agreement** – July 1, 2002 through June 30, 2006

2. **Economics** (Supplement # 1)

First Year:	June 30, 2002	\$.95 to be allocated by the union
Second Year:	June 30, 2003	\$.95 to be allocated by the union
Third Year:	June 30, 2004	\$.90 to be allocated by the union
Fourth Year:	June 30, 2005	\$.90 to be allocated by the union

Special Single Shift:	Area "A"	\$3.00/hour over classification rate of pay
	Area "B"	\$2.85/hour over classification rate of pay

Second Shift Premium:	Only applies to second shift on a two (2) shift operation	
	Area "A"	\$3.00/hour over classification rate of pay
	Area "B"	\$2.85/hour over classification rate of pay

Private work agreement to remain at 80% of Master Labor Agreement Rates
(A \$3 million-dollar cap applies to the use of a private work agreement)

3. **Added Classifications** (Supplement #1)

Construction Specialist	Directional Boring Machine
Group I	Bobcat
Group III	Forklift
	Pilot Car
	Skip Loader (up to and including 1/2 Cubic Yard)

4. **Supplement NO. 2**

**GUNITE, SHOTCRETE, PANELCRETE AND SIMILAR TYPE WORK INCLUDING ALL
PLACING, FINISHING AND PATCHING OF SHOTCRETE OR GUNITE**

Travel and Out of Town Expense Allowance:

All workers performing work covered by the Supplement at a jobsite located over sixty (60) miles from the main office or a permanently established district office of an individual employer shall receive a travel allowance as follows:

If the employee uses or rides in an employer provided vehicle he/she will be reimbursed at the rate of twenty (\$0.20) cents per mile measured from the employer's main office or permanently established district office.

If the employee uses or rides in a vehicle not provided by the employer he/she will be reimbursed at the rate of thirty (\$0.30) cents per mile, which shall include all expenses including fuel.

If the employer flies the employee to the jobsite, the employee will be reimbursed at the rate of five (\$0.05) cents per mile.

Each worker performing work covered by the Agreement shall be reimbursed for the cost of meals and lodging actually expended and not to exceed forty-five dollars (\$45.00) per day on all jobs located over one hundred twenty (120) miles from the main office or a permanently established district office of the Individual Employer. If the employer provides the lodging, the employee will be reimbursed at the rate of twenty dollars (\$20.00) per day for meals only. This out of town expense will be paid only on the actual days that the employee is spending the night out of town.

MEMORANDUM OF UNDERSTANDING
BETWEEN ASSOCIATED GENERAL CONTRACTORS of CALIFORNIA
AND THE

NORTHERN CALIFORNIA DISTRICT COUNCIL of LABORERS

RECEIVED
Department of Industrial Relations

MODIFICATIONS TO THE CURRENT
AGC/LABORERS 1999 - 2002 MASTER AGREEMENT

NOV 13 2001

Div. of Labor Statistics & Research
Chief's Office

Work Week (Section 20A, 2(b)) - Special Single Shift

Special Single Shift: When the Individual Employer produces evidence in writing to the appropriate Local Union or the Union of a bona fide job requirement which certifies that work can only be done outside the normal shift hours, and notifies the appropriate Local Union or the Union by certified mail at least three (3) days prior to the start of such special shift, the Individual Employer may initiate such special shift of eight (8) consecutive hours (not in conjunction with any other shift), exclusive of meal period, Monday through Friday. Such shift shall be in accordance with the provisions of subsection 5(a) of this Section. Provided, however, if, by direction of the Contracting Authority, the bid specifications require it, or congestive traffic conditions on Fridays are such that work conditions would be unsafe for employees, or counter-productive to the performance of work, the special single shift may commence on Sunday with Double (2) time to be paid from the start of the shift to 8:00 p.m. and the applicable straight time rate paid from 8:00 p.m. until completion of the eight (8) hour special single shift.

NOTE: Special Single Shift rates: area "A" \$3.00/hr., area "B" \$2.85/hr. over classification

(c) Four (4) by Ten (10) Workweek (4x10): An Individual Employer may establish a workweek of four (4) consecutive days of ten (10) consecutive hours. Applicable overtime rate shall be paid for all work before a shift begins, after ten (10) hours and on Saturdays, Sundays and holidays. In the event two (2) shifts are employed, ten (10) consecutive hours' work, on the 2nd shift exclusive of meal period, shall constitute a shift's work for which ten (10) hours shall be paid at the Second Shift Premium rate. Provided, further, all shifts are worked the same four (4) consecutive days during a 4x10 workweek, except as may be changed by mutual agreement. All hours in excess of forty (40) hours in any one (1) week shall be compensated at the applicable overtime rate.

3. On shift work, the day shift, eight (8) hours' work for eight (8) hours' pay. When two shifts are employed for five (5) or more consecutive days, on the second shift eight consecutive hours' (exclusive of meal period), shall constitute a day of work, for which eight (8) times the straight time hourly rate shall be paid at the Second Shift Premium rate. When three shifts are employed for five (5) or more consecutive days, seven and one-half (7 1/2) consecutive hours (exclusive of meal period), shall constitute a day of work, for which eight (8) times the straight time hourly rate shall be paid for the

second shift. The third shift shall be seven (7) hours for eight (8) hours pay. On two shift operations, the first shift shall have a regular starting time not earlier than 5:00 a.m., and not later than 8:00 a.m. On three shift operations, the first shift shall start at 8:00 a.m. Shifts shall run consecutively with not more than one hour between shifts.

The Friday graveyard shift, though coming off work Saturday morning, is to be considered working Friday. Work performed after 8:00 a.m. Saturday morning shall be deemed Saturday Work.

The Saturday graveyard shift, though coming off work Sunday Morning, is to be considered working Saturday. ~~Work performed after 8:00 a.m. Sunday morning shall be deemed Sunday work.~~ The Sunday Graveyard shift though coming off work Monday morning, is to be considered working Sunday, with the exception that a graveyard shift employee who has worked seven (7) or more hours prior to the scheduled starting time of the Monday day shift and continues to work after such starting time shall continue to receive the double (2) time wage rate.

4. One and one-half (1½) times the regular straight time hourly rate shall be paid for all work on Saturdays (except make-up day) and before a shift begins and after it ends. Double the regular straight time hourly rate shall be paid for all work on Sundays and holidays. On two shift operations Laborers working a complete second shift of shift work on Saturdays, Sundays and holidays shall be paid eight (8) hours of pay at the appropriate overtime rate for eight (8) hours of work. For work on Saturdays, Sundays and holidays on a three shift operation Laborers working a complete second shift shall be paid eight (8) hours of pay at the appropriate overtime rate for seven and one half (7½) hours of work. Laborers working a complete third shift shall be paid eight (8) hours of pay at the appropriate rate for seven (7) hours of work.

5. (b) Whenever a Laborer is called out to work on Saturdays, Sundays or holidays (except on make-up days), he/she shall be paid at least four (4) hours, five (5) hours on a 4x10 shift, at the applicable overtime rate. All time worked beyond the first four (4) consecutive hours, five (5) consecutive hours on a 4x10 shift, on Saturdays, Sundays and holidays shall be reckoned by the hour at the applicable overtime rate.

On shift work, the above shall apply to Laborers called out to work on the day shift and the second shift of a two shift operation only. If three shifts are employed, the above shall apply except that three and one-half (3½) hours worked shall be paid as four (4) hours worked, seven (7) hours worked shall be paid as eight (8) hours worked, and hours worked in excess of three and one-half (3½) hours but less than seven (7) shall be paid on a pro rata basis, except as modified by a 4x10 work week.

NOTE: Shift differential applies only to the second shift of a two (2) shift operation. Shift differential is as follows: area "A" \$3.00/hr., area "B" \$2.85/hr. over the appropriate classification rate.